

Expedited Bill No. 35-09  
Concerning: Police – Drug Enforcement  
Forfeitures Fund - Amendments  
Revised: October 12, 2009 Draft No. 4  
Introduced: October 13, 2009  
Expires: April 13, 2011  
Enacted: \_\_\_\_\_  
Executive: \_\_\_\_\_  
Effective: \_\_\_\_\_  
Sunset Date: None  
Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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By: Councilmember Trachtenberg, Council President Andrews, Councilmember Elrich, and  
Council Vice President Berliner

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**AN EXPEDITED ACT** to:

- (1) authorize the use of the Drug Enforcement Forfeitures Fund for drug prevention and treatment programming and Drug Court operations;
- (2) require the Chief of Police to report quarterly to the Council concerning the revenue and expenses of the Drug Enforcement Forfeitures Fund; and
- (3) generally amend the law concerning the Drug Enforcement Forfeitures Fund.

By amending  
Montgomery County Code  
Chapter 35, Police  
Section 35-13B

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

*The County Council for Montgomery County, Maryland approves the following Act:*

**Sec. 1. Section 35-13B is amended as follows:**

**35-13B. Drug Enforcement Forfeitures Fund**

(a) In the Department of Police, [there is created] the Chief must administer the Drug Enforcement Forfeitures Fund (hereinafter the Fund).

(b) The [county executive] County Executive or a designee must deposit in the [Drug Enforcement Forfeitures] Fund all money that is forfeited to the County under state law as drug-related contraband. Forfeited money may include cash and:

(1) proceeds from the sale of real property;

(2) criminal proceeds;

(3) proceeds from the sale of means of transport, including vehicles, boats, and airplanes;

(4) personal property, including financial instruments;

(5) funds turned over to the County by other government agencies through drug enforcement asset sharing procedures; and

(6) any other funds to which the County is entitled as the result of drug forfeiture proceedings.

(c) [(1) The Director of the Department of Police must administer the Drug Enforcement Forfeitures Fund.]

[(2)] The [Director] Chief must use the [Drug Enforcement Forfeitures] Fund for expenses related to enforcement of laws regarding controlled dangerous substances. These expenses may include:

[(A)] (1) drug prevention and treatment programs;

(2) Drug Court operations and programs;

(3) payments to informants;

28                   [(B)] (4)     purchase or lease of equipment; and

29                   [(C)] (5)     any other expense related to [such] enforcement  
30                   [activities] of laws regarding controlled dangerous  
31                   substances.

32           (3)    (A)   The [director] Chief may transfer funds to another law  
33                   enforcement agency if the other law enforcement agency  
34                   initiated the forfeiture proceeding or was significantly  
35                   involved in the arrest or investigation leading to the  
36                   forfeiture.

37                   (B)   The [director] Chief must transfer to the Maryland-  
38                   National Capital Park Police all funds in the [Drug  
39                   Enforcement Forfeitures] Fund that result from any arrest  
40                   [within the boundaries of] in any park under the  
41                   Commission's jurisdiction [of the Maryland-National  
42                   Capital Park and Planning Commission] if the arrest was  
43                   initiated by the Park Police and another law enforcement  
44                   agency was not involved in the arrest or investigation.

45       (d)    The money in [this fund] the Fund:

46                   (1)    is subject to audit by the [county executive] Executive; and

47                   (2)    must be included and identified in any financial report of the  
48                   [Police department] Department.

49       (e)    The Chief must provide a quarterly report on the Fund to the  
50                   Executive and Council. This report must include:

51                   (1)    the current balance;

52                   (2)    all deposits from forfeitures; and

53                   (3)    all expenditures by category.

54       (f)    The [county executive] Executive may adopt regulations under

55 method (2) to implement this Section.

56 **Sec. 2. Expedited Effective Date.**

57 The Council declares that this legislation is necessary for the immediate  
58 protection of the public interest. This Act takes effect on the date it becomes law.

59 *Approved:*

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Philip M. Andrews, President, County Council

Date

61 *Approved:*

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Isiah Leggett, County Executive

Date

63 *This is a correct copy of Council action.*

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Linda M. Lauer, Clerk of the Council

Date